

AMENDED IN SENATE SEPTEMBER 1, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 101**

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**Introduced by Assembly Member Anderson**

January 8, 2009

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An act to amend Section 3010 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 101, as amended, Anderson. Elections: vote by mail ballots.

Existing law requires that a ballot contain all supplies necessary for the return of the ballot and that the identification envelope for a vote by mail ballot contain specified information.

This bill would also require a notice that the identification envelope of a vote by mail ballot must be actually received by elections officials before the polls close on election day in order to be counted, *except as specified*.

Because the bill would require local elections officials to provide additional service, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3010 of the Elections Code is amended to read:

3010. (a) The elections official shall deliver the following to each qualified applicant:

(1) The ballot for the precinct in which he or she resides. In primary elections this shall also be accompanied by the ballot for the central committee of the party with which the voter is affiliated, if any.

(2) All supplies necessary for the use and return of the ballot.

(3) ~~A~~(A) *Except as provided in subparagraph (B), a notice that a vote by mail ballot must actually be received by elections officials before the polls close on election day in order for the ballot to be counted and that an envelope postmarked by the day of the election is not sufficient. This notice shall be included on the identification envelope or in instructions to the voter.*

*(B) With respect to a county that provides instructions to the voter on an identification envelope, the requirement in subparagraph (A) shall apply only after the county has exhausted all identification envelopes that were in its possession prior to January 1, 2010.*

(b) No officer of this state may make any charge for services rendered to a voter under this chapter.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.